

CLOSED,STAYED,TYPE I-FOIA

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:18-cv-00558-EGS**

KRUSHELNYCKY v. FEDERAL COMMUNICATIONS  
COMMISSION  
Assigned to: Judge Emmet G. Sullivan  
Cause: 05:552 Freedom of Information Act

Date Filed: 03/12/2018  
Date Terminated: 06/27/2019  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****ASKOLD KRUSHELNYCKY**

represented by **Arthur Vasyly Belendiuk**  
SMITHWICK & BELENDIUL, PC  
# 301  
5028 Wisconsin Avenue, NW  
Washington, DC 20016  
(202) 363-4559  
Fax: (202) 363-4266  
Email: [abelendiuk@fccworld.com](mailto:abelendiuk@fccworld.com)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant****FEDERAL COMMUNICATIONS  
COMMISSION**

represented by **Katherine Boyd Palmer-Ball**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2537  
Fax: (202) 252-2599  
Email: [katherine.palmer-ball@usdoj.gov](mailto:katherine.palmer-ball@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Doris Denise Coles-Huff**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2557  
Fax: (202) 252-2599  
Email: [doris.coles@usdoj.gov](mailto:doris.coles@usdoj.gov)  
*ATTORNEY TO BE NOTICED*

**Johnny Hillary Walker , III**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2575  
Fax: (202) 252-2599  
Email: [johnny.walker@usdoj.gov](mailto:johnny.walker@usdoj.gov)  
*TERMINATED: 05/01/2019*

Date Filed	#	Docket Text
03/12/2018	<u>1</u>	COMPLAINT against FEDERAL COMMUNICATIONS COMMISSION ( Filing fee \$ 400 receipt number 0090-5368782) filed by ASKOLD KRUSHELNYCKY

		(Attachments: # <u><a href="#">1</a></u> Civil Cover Sheet Civil Cover Sheet, # <u><a href="#">2</a></u> Summons FCC, # <u><a href="#">3</a></u> Summons Attorney General, # <u><a href="#">4</a></u> Summons U.S. Attorney)(Belendiuk, Arthur) (Attachment 1 replaced on 3/13/2018) (zmd). (Entered: 03/12/2018)
03/12/2018		Case Assigned to Judge Emmet G. Sullivan. (zmd) (Entered: 03/13/2018)
03/13/2018	<u><a href="#">2</a></u>	SUMMONS (3) Issued Electronically as to FEDERAL COMMUNICATIONS COMMISSION, U.S. Attorney and U.S. Attorney General (Attachments: # <u><a href="#">1</a></u> Notice and Consent) (zmd) (Entered: 03/13/2018)
03/16/2018	<u><a href="#">3</a></u>	STANDING ORDER: The parties are directed to read the attached Standing Order Governing Civil Cases Before Judge Emmet G. Sullivan in its entirety upon receipt. The parties are hereby ORDERED to comply with the directives in the attached Standing Order. Signed by Judge Emmet G. Sullivan on 03/16/18. (Attachment: # <u><a href="#">1</a></u> Exhibit 1) (mac) (Entered: 03/16/2018)
03/19/2018	<u><a href="#">4</a></u>	NOTICE of Appearance by Johnny Hillary Walker, III on behalf of All Defendants (Walker, Johnny) (Entered: 03/19/2018)
03/30/2018	<u><a href="#">5</a></u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/16/2018. Answer due for ALL FEDERAL DEFENDANTS by 4/15/2018. (Belendiuk, Arthur) (Entered: 03/30/2018)
03/30/2018	<u><a href="#">6</a></u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL COMMUNICATIONS COMMISSION served on 3/16/2018, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 3/16/2018. (See Docket Entry <u><a href="#">5</a></u> to view document). (znmw) (Entered: 04/02/2018)
04/16/2018	<u><a href="#">7</a></u>	ANSWER to Complaint by FEDERAL COMMUNICATIONS COMMISSION.(Walker, Johnny) (Entered: 04/16/2018)
06/12/2018		MINUTE ORDER. Plaintiff brings this action pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. 552. The parties are directed to meet and confer and propose a joint scheduling order for further proceedings in this case by no later than July 12, 2018. The parties' joint proposed scheduling order shall address the following: (1) The status of plaintiff's FOIA request; (2) The anticipated number of documents responsive to plaintiff's FOIA request; (3) The anticipated date(s) for release of documents responsive to plaintiff's FOIA request; (4) Whether a motion for an Open America stay is likely in this case; (5) Whether a Vaughn index will be required in this case; (6) Whether this case would benefit from referral to a magistrate judge or the District Court Mediation Program for purposes of settlement; and (7) A proposed briefing schedule for dispositive motions, if applicable. If the parties are unable to agree on a joint recommendation, the joint proposed scheduling order shall include each party's individual recommendations. Signed by Judge Emmet G. Sullivan on 6/12/2018. (lcegs3) (Entered: 06/12/2018)
06/13/2018		Set/Reset Deadlines: Joint Proposed Scheduling Order due by 7/12/2018. (mac) (Entered: 06/13/2018)
07/12/2018	<u><a href="#">8</a></u>	Joint STATUS REPORT <i>and Proposed Schedule</i> by FEDERAL COMMUNICATIONS COMMISSION. (Attachments: # <u><a href="#">1</a></u> Text of Proposed Order)(Walker, Johnny) (Entered: 07/12/2018)
07/16/2018		MINUTE ORDER in view of <u><a href="#">8</a></u> parties' joint status report, the parties are ordered to file another joint status report by July 19, 2018 to update the Court on the status of Defendants response to Plaintiffs FOIA request and propose a schedule for further proceedings. Signed by Judge Emmet G. Sullivan on 7/16/2018. (lcegs3) (Entered: 07/16/2018)
07/16/2018		Set/Reset Deadlines: Joint Status Report due by 7/19/2018. (mac) (Entered: 07/16/2018)
07/19/2018	<u><a href="#">9</a></u>	Joint STATUS REPORT by FEDERAL COMMUNICATIONS COMMISSION. (Attachments: # <u><a href="#">1</a></u> Text of Proposed Order)(Walker, Johnny) (Entered: 07/19/2018)

07/20/2018		MINUTE ORDER. Upon consideration of <u>9</u> the parties' joint status report, it is hereby ORDERED that the parties shall file another joint status report on or before October 17, 2018, updating the Court on the status of Defendant's response to Plaintiff's FOIA request and proposing a schedule for further proceedings. Signed by Judge Emmet G. Sullivan on 7/20/2018. (lcegs3) (Entered: 07/20/2018)
07/23/2018		Set/Reset Deadlines: Joint Status Report due by 10/17/2018. (mac) (Entered: 07/23/2018)
10/17/2018	<u>10</u>	Joint STATUS REPORT by FEDERAL COMMUNICATIONS COMMISSION. (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 10/17/2018)
10/19/2018		MINUTE ORDER in view of <u>10</u> joint status report, the parties are directed to file another status report updating the Court on the status of the FCC's responses to plaintiff's request and proposing a schedule for further proceedings by no later than January 15, 2019. Signed by Judge Emmet G. Sullivan on 10/19/2018. (lcegs3) (Entered: 10/19/2018)
10/19/2018		Set/Reset Deadlines: Proposed Schedule for Further Proceedings due by 1/15/2019 (mac) (Entered: 10/19/2018)
01/14/2019	<u>11</u>	STATUS REPORT by ASKOLD KRUSHELNYCKY. (Belendiuk, Arthur) (Entered: 01/14/2019)
01/15/2019	<u>12</u>	Consent MOTION to Stay , <i>Motion for Extension of time</i> by FEDERAL COMMUNICATIONS COMMISSION (Attachments: # <u>1</u> Text of Proposed Order)(Coles-Huff, Doris). Added MOTION for Extension of Time to on 1/16/2019 (jf). (Entered: 01/15/2019)
01/15/2019	<u>13</u>	ERRATA by FEDERAL COMMUNICATIONS COMMISSION <u>12</u> Consent MOTION to Stay , <i>Motion for Extension of time</i> filed by FEDERAL COMMUNICATIONS COMMISSION. (Attachments: # <u>1</u> Text of Proposed Order)(Coles-Huff, Doris) (Entered: 01/15/2019)
01/17/2019		MINUTE ORDER granting <u>12</u> consent motion to stay and extension of time in light of lapse of appropriations. The deadline for submitting the joint status report due on January 15, 2019, is hereby extended until ten (10) days after appropriations are restored to the Department of Justice. Defendant is directed to notify the Court when appropriations are restored or if a continuing resolution is enacted. Signed by Judge Emmet G. Sullivan on 1/17/2019. (lcegs3) (Entered: 01/17/2019)
01/29/2019	<u>14</u>	NOTICE of Restored Funding by FEDERAL COMMUNICATIONS COMMISSION re Order on Motion to Stay,, Order on Motion for Extension of Time to, (Walker, Johnny) (Entered: 01/29/2019)
02/04/2019	<u>15</u>	Joint STATUS REPORT by FEDERAL COMMUNICATIONS COMMISSION. (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 02/04/2019)
02/04/2019		MINUTE ORDER. In view of <u>15</u> joint status report, the parties are directed to file another joint status report by no later than February 25, 2019, updating the Court on the status of Defendant's response to Plaintiff's FOIA request and proposing a schedule for further proceedings. Signed by Judge Emmet G. Sullivan on 2/4/2019. (lcegs3) (Entered: 02/04/2019)
02/05/2019		Set/Reset Deadlines: Joint Status Report due by 2/25/2019. (mac) (Entered: 02/05/2019)
02/22/2019	<u>16</u>	Consent STATUS REPORT by ASKOLD KRUSHELNYCKY. (Belendiuk, Arthur) (Entered: 02/22/2019)
02/25/2019		MINUTE ORDER. In view of <u>16</u> Plaintiff's Consent Status Report, the parties are directed to file another joint status report by no later than February 27, 2019, updating the Court on the status of Defendant's response to Plaintiff's FOIA request and proposing a joint schedule for further proceedings. Signed by Judge Emmet G. Sullivan on 2/25/2019. (lcegs3) (Entered: 02/25/2019)
02/25/2019		Set/Reset Deadlines: Joint Status Report due by 2/27/2019. (mac) (Entered: 02/25/2019)

02/27/2019	<u>17</u>	Joint STATUS REPORT and Proposed Schedule by FEDERAL COMMUNICATIONS COMMISSION. (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 02/27/2019)
02/27/2019		MINUTE ORDER. In view of the <u>17</u> Joint Status Report and Proposed Schedule, the parties shall adhere to the following briefing schedule: (1) Defendant shall file its motion for summary judgment by no later than July 1, 2019; (2) Plaintiff shall file his opposition and cross-motion for summary judgment by no later than August 30, 2019; (3) Defendant shall file its opposition and reply by no later than September 30, 2019; and (4) Plaintiff shall file his reply by no later than October 31, 2019. Signed by Judge Emmet G. Sullivan on 2/27/2019. (lcegs3) (Entered: 02/27/2019)
02/28/2019		Set/Reset Deadlines: Defendant Motion For Summary Judgment due by 7/1/2019. Plaintiff Opposition And Cross-Motion For Summary Judgment due by 8/30/2019. Defendant Opposition And Reply due by 9/30/2019. Plaintiff Reply due by 10/31/2019. (mac) (Entered: 02/28/2019)
05/01/2019	<u>18</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Katherine Boyd Palmer-Ball on behalf of FEDERAL COMMUNICATIONS COMMISSION Substituting for attorney Johnny Walker (Palmer-Ball, Katherine) (Entered: 05/01/2019)
06/27/2019	<u>19</u>	STIPULATION of Dismissal by ASKOLD KRUSHELNYCKY. (Belendiuk, Arthur) (Entered: 06/27/2019)